

**City Charter Transition Team
Responses to GTAC Questions
June 13, 2023**

Note: All information provided is preliminary and subject to change.

QUESTIONS FROM RESPONSES OF MAY 29, 2023

1. Regarding the state law requirement that the “Budget Committee” must be the entire council, may the Council convene “**Budget Subcommittees**” to do more detailed work?

Section 2-111 of the Portland City Charter states, in part, “The Council shall determine its own rules of procedure, may establish Council committees and subcommittees”.

2. Because the City Administrator is unelected, will the council have (or may the council create by ordinance) a “**legislative veto**” authority over administrative rules? Does the Mayor have (or should the Mayor have) a veto over administrative rules?

Section 2-406(l) of the Portland City Charter states that the city administrator may, “[p]rescribe such general rules and regulations as the Administrator may deem necessary or expedient to the general conduct of the administrative departments under the Administrator’s jurisdiction. The Administrator may delegate rulemaking authority to other bureau directors.”

There is no stated veto authority for administrative rules.

3. What are the **staffing expectations for the Office of City Attorney** on behalf of the new legislative council?

Currently, and in the future, the City Attorney provides legal assistance and advice to the City of Portland generally, the city council, and the mayor. The City Auditor has their own council. Future staffing needs for this office are still being determined.

4. If, for example, there was a recommendation that, going forward in the new districted government, all Boards and Commissions should transition to have representation from people who “live, work, play, go to school and/or worship” in each of the four districts, which phase of the transition would such a proposal be most appropriate?

Section 2-601 of the Portland City Charter states that the mayor appoints members of boards and commission subject to council confirmation.

Council could consider and pass legislation regarding the qualifications of members of boards and commissions. This policy recommendation is not part of the transition plan but could be addressed by the council elected in 2024.

QUESTIONS FROM TRANSITION PLAN

5. The Plan describes an “ongoing dialog” with the current City Council on a number of transition topics. What weight is being given to the current council’s “recommendations” on the new council’s structure, roles, operations, meeting format, codes of conduct, and staffing plans? Are these decisions part of “Phase 1” or more like “Day 1 of Phase 2”?

The current council is the decision maker for any code updates passed before January 1, 2025. Any code amendments brought before this time will be developed in consultation with our current council. The transition plan has prioritized code updates that will be necessary for the smooth transition of power to the new form of government and the recruitment of a city administrator. This includes any code changes to allow the legislative council to work effectively and efficiently.

6. With regards to the **RCV election administration**, the Transition Plan says, “the responsibility of the City is to stay in constant communication with the counties to ensure they are on-time and have the support necessary to administer the [election] in November 2024.” In this collaboration with the counties, who has transition-related oversight responsibilities? What is the public’s role in the election administration transition?

The City and Counties are developing a Memorandum Of Understanding (MOU) to clarify roles and responsibilities for the implementation of ranked-choice voting. The Project Sponsor is ultimately responsible for implementation, and the city council has ultimate oversight responsibilities for ensuring that implementation is consistent with the charter.

7. Will the plan for reporting **RCV election results** provide for early results? Particularly in the single-transferable-vote district races? If not, does this need to be part of the voter education and outreach effort?

As usual, Multnomah County will begin releasing unofficial results starting at 8 p.m. on election night and will continue updating results as it processes ballots throughout the certification period. Oregon law allows valid mail ballots to be received up to seven days after the election and challenged ballots to be cured up to 21 days after election day. Results will be certified as final no later than 27 days after the election.

Voter education will provide information about what is changing and what is staying the same.

8. What is the oversight and governance **structure for the Citywide Voter Education and Outreach Partnership** and its sub-grantees? What is the structure for the City and Multnomah County “joint workgroup” on voter education and outreach? What is the relationship between the “joint workgroup” and the Partnership?

The City and Counties are developing a MOU to clarify roles and responsibilities for voter education related to ranked-choice voting for the 2024 election and beyond. Voter education funded by the city will complement and support the ongoing voter education efforts provided by the county.

9. With respect to the changing “**roles and responsibilities**” of the **Mayor and City Administrator**, to what extent will the Transition be recommending formalizing the relationship? Specifically, will there be provisions in the code, or in less formal guidance, or merely recommendations? Will there be recommendations for limits or constraints on contractual arrangements with the City Administrator?

The roles and responsibilities of the mayor and city administrator are specified in the City Charter. The role of the transition team is to explain those roles to city leadership, Portlanders, and potential candidates. See Article 4 sections 2-401 and 2-406 of the Portland City Charter.

10. With respect to Council organization, the Transition Plan indicates that research is ongoing as to “which committees are needed to support the city council’s work.” Will the Transition suggest (in either Phase 1 or Phase 2) **a minimum set of standing committees and their jurisdictions**? Will the Transition suggest (in either Phase 1 or Phase 2) the size and structure of the committees, or how the committees are populated? Why or why not?

The Transition team has done research of other cities and interviewed the current city council and is developing committee structure recommendations based on this information on the following:

- Committee structure
- Committee staffing

The current council will approve a council and committee staffing plan as part of the FY 2024/25 budget. The future council will ultimately decide on the committee structure they will need to operate.

11. Under the new form of government, will the **City Budget Office** be under the direction of the Mayor or the City Administrator? What is the public’s role in the Administrator’s and/or City Budget Office’s development of the budget?

Section 2-406 of the Portland City Charter states that the City Administrator has the following responsibilities:

- (h) Control and administer the financial affairs of the City. The Administrator may appoint a Budget Director to act under the Administrator’s direction.
- (i) Prepare an annual budget under the direction of the Mayor for the Mayor’s submission to the Council.
- (k) Keep the Council at all times fully advised as to the financial condition and needs of the City.

The Budget Office will fall within the organizational structure that reports up to the city administrator. The budget process is under review. The Charter Commission was clear in its desire for an expanded role in the budget process for the public. The public's role is likely a policy choice for the 2025 council to determine.

12. What facility improvements are planned to accommodate the new council's committee structure(s)?

To prepare for an expanded council, the City's Facilities Services team is developing a comprehensive plan to build safe, welcoming, and accessible workspaces. Council chambers will be relocated or renovated to accommodate an expanded council, replacing the antiquated broadcast, and audio/visual technology, and upgrading security ensure the safety of our elected officials while increasing accessibility to the public. Currently, transition team members are among many staff participating in a design process to advise on programmatic needs for the council's new legislative role, including more frequent committee and subcommittee meetings.

13. What facility improvements, if any, are planned for in-district office accommodations for new council members?

Given the short timeline, the priority is to provide the updates to council chambers described in the previous question and relocating or reconfiguring existing offices, providing the security, and technology infrastructure to support the work of future elected officials. These offices will be downtown to provide necessary proximity to council chambers. Scoping additional in-district offices will be part of a later phase once district boundaries are defined, and we are able to engage the future council and the community to better understand how the district offices should serve Portlanders.

14. **Role clarification / lines of authority.** Once the specific roles of Councilors and the Mayor are developed, how will they be publicized to potential candidates and to voters? Who should be looking for/asking questions of the prospective candidates differently than they have in the past? E.g., for the Mayor, what is your administrative background? How do you imagine working with a City Manager? For Councilors, what is your policy development/policy decision making background? What tools would you like to see in place to assist you in that process?

This question asks for both a policy and political response. We will address the policy about sharing information about the changing roles of our elected officials. We expect to launch a public information campaign that includes prospective candidates and Portlanders more generally about the impact of the voter-approved ballot measures. This could include information through trusted channels like neighborhood newspapers and newsletters, organizations that support voter education, and the auditor's office. Consistent with City policy, the City will not advocate or discuss the qualifications of candidates or specific candidates for office.

15. **Community complaints / questions.** How will community complaints/inquiries be handled? Will new Councilors be expected to play an Ombudsman role in resolving specific complaints/issues? I think not, because of the enormous amount of often inefficient time that is spent on this, but what is the alternative? There is much talk in the documents about involving citizens in this change process, but what about how citizens will be assisted and have their questions answered when the changes have been implemented?

The City has an Ombudsman's Office located in the independent Auditor's office. The transition team is developing recommendations on addressing constituent relations and community concerns. These services are currently dispersed across the city in each bureau, council offices, and the 311 program. A desired outcome of the project is an accessible and transparent government. Improving constituent services aligns with this outcome.

16. **Testing lines of authority by example.** The document calls for clear lines of authority between the Mayor and City Manager and Mayor and Council. I would think it helpful to be as clear as possible about this by using different examples of issues that we know will arise and trying to provide as much guidance as possible on who will decide what. I know it is hard to decide those in advance for those who haven't been elected, but I foresee enormous potential for role confusion and conflict in those first few days/months. These of course, may change, but we should give the newly electeds a very clear starting point.

This is a great suggestion. We will work to integrate it in our communications, onboarding process, and change management strategies.

17. **Recruitment and hiring of the City Administrator.** The document says that HR will develop a job description for the City Manager. Is that a document GTAC will review? It sounds like the recruitment of the new City Manager will only start in earnest after the election. If we have done the above work, I think it can and should start earlier. Ideally, the City would have a City Manager on board as soon after Jan. 1 as possible. Could we envision a process where we have half a dozen finalists for the new Mayor to review after the November election? Are city managers in other jurisdictions are being consulted on what they would like to see in place at the City of Portland that would make it an attractive career move.

Charter section 2-406 outlines the duties of the city administrator. As you are aware the person elected mayor in November 2024 will appoint the city administrator, with approval of the Council elected in 2024. To prepare for the recruitment of the city administrator, staff is preparing a position description, classification, salary range, and recruitment plan before the November 2024 election and will be ready to launch as soon as the outcome of the election is known. We would expect the recruitment process to occur between late November 2024, and January or February of 2025.

We are working closely with [ICMA](#) and the National League of Cities (NLC) to understand the role of the city administrator and what makes the role attractive to candidates.

- 18. Council agendas.** How will council agendas change - specifically? How the specific new roles of Mayor, City Manager, Council will impact agendas. What decisions should the Mayor delegate to the Manager? What decisions are uniquely the Mayor's? In what instances will the council deviate from their policy orientation to make decisions?

Under the charter amendments the new position of the council president presides over the city council meetings, and the city auditor's responsibilities for the agenda remain the same. The mayor has the same authority as a city councilor to place items on the council agenda, and the city administrator will work with the mayor to advance legislation through the council. Policy questions are under development to provide the new council a framework on how council agendas are managed.

The mayor has executive and administrative authority. The unique responsibilities of the mayor are stated in Portland City Charter Section 2-401. The mayor can delegate powers to the city administrator.

City council will have legislative and quasi-judicial responsibilities. Their responsibilities will be reflected in what is on the agenda. Many items that currently go before the council will now be executive functions and addressed administratively by the mayor or the executive branch. The transition team's current understanding of what will no longer be on the council agenda includes contracts and intergovernmental agreements consistent with the City budget, settlements under or equal to \$50,000, street renaming, proclamations, grant application authorization and acceptance (unless it requires a budget amendment or appropriation), solicitation authorization, and property acquisition (unless eminent domain).

- 19. Budgeting.** A final, and I believe absolutely crucial issue to discuss is budgeting: slide 25 mentions it. Several years ago, I was hired by the current Mayor to do a comprehensive review of the city budgeting process. Some reforms were implemented, but most were not. My goals in those recommendations closely mirror the values and goals of this process. City budgeting now is a very closed process. Clarity in roles between the Mayor, city manager, budget office and bureaus is essential. Much more could be done to make the choices clearer with better research and goals and objectives. More could be done in educating the entire Council about choices within all the Bureaus. More could be done in making the choices and rationales clearer to regular citizens. I know the current process is not inclusive, decisions and rationale not well documented, and evaluation and follow up on those decisions rarely done. I more open, transparent, and data and outcome based process would go a long way towards helping orient the new Mayor, the new City Manager, and the new Council to the major issues they will be asked to decide. That work could be happening now.

The City Budget Office, led by Tim Grew, is performing a comprehensive review of the budget office. They are developing recommendations for inclusion in the FY 2024/25 budget and the FY 2025/26 budget. The team is planning to come to the GTAC on September 6, 2023, prior to making final recommendations. Let me know if you would like to connect with them sooner.